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Congress of the United States
Washington, DC 20510

November 1, 2007

The Honorable Carlos Gutierrez
Secretary
U.S. Department of Commerce
Washington, DC 20230

Dear Secretary Gutierrez:

We are writing to request that you reconsider the denial of the fishery disaster declaration request by the Commonwealth of Massachusetts. The issue is extremely serious for the groundfish industry in our state, which has suffered immensely because of the reduced days-at-sea that have been imposed in recent years in response to the slow rebuilding of some fish stocks.

The Massachusetts groundfish fleet is in crisis today. Thirteen years ago, when the Department of Commerce declared a fishery resource disaster, the weight of groundfish landed was more than twice as great as it is today. For cod, haddock, and yellowtail flounder, landings were nine percent lower in 2005 than the level which triggered the 1994 disaster declaration.

In his letter to Governor Patrick explaining the decision to deny the state's disaster declaration request, Dr. Hogarth wrote, "*Our latest research shows encouraging increases in most of the groundfish stocks including cod, haddock, and Georges Bank yellowtail.*" These stocks may be rebuilding, but they are off-limits to most fishermen because they have not been found to have reached a sustainable yield level. As a practical matter, these stocks are no more available to fishermen in today's fishery than they were in 1994, so it is, at a minimum, inconsistent to cite successful rebuilding as a reason for the decision to deny the disaster declaration.

Groundfish species have not recovered sufficiently to avert this crisis. Instead of recovering from the disaster in 1994, the industry has continued to falter, because of the combined effect of slow recruitment of some species and continued restrictions on fishing. According to the Massachusetts Division of Marine Fisheries, species such as Cape Cod and Gulf of Maine yellowtail are in worse condition now than in the mid-1990s and Gulf of Maine cod are only somewhat better off. As a result, even though other species are more successfully rebuilding, the multi-species nature of the groundfish fishery means that overall restrictions on fishing remain extremely strict.

Massachusetts groundfish vessels have lost 18 percent in revenue since the implementation last year of Framework 42 to the Northeast Multi-species Fishery. Many vessels had already been forced out of the fishery in recent years when their days-at-sea were

cut from 88 to 53, and even fewer will survive the shock of having just 24 days-at-sea under Framework 42. Many of the remaining fishermen won't have the resources to modify their gear types to harvest stronger stocks.

A revenue loss of this size constitutes a real emergency in the fishery's shoreside services as well. These services, such as boat repair and fish processing, are essential to the fishery, but they must have customers to survive. Unless federal assistance is available to keep the groundfish sector from collapsing, we risk losing forever our working waterfronts, which have been an important part of the Massachusetts coastal economy for centuries.

NOAA should recognize this crisis for what it is---a continuation of the 1994 disaster that has been sped up by the implementation of Framework 42. Unless the agency declares a fishery resource disaster, our fishing industry may not have adequate resources to harvest stocks when they are more fully rebuilt.

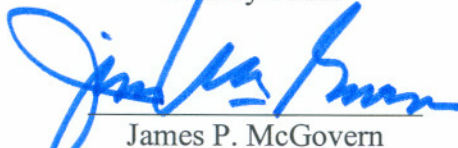
We recognize that the agency is operating without clear objective criteria to grade a disaster when it is occurring, but we strongly believe that the current crisis in the Massachusetts groundfish sector qualifies as a disaster, and we urge you to reconsider the denial of the disaster declaration.

With respect and appreciation, and we thank you for considering our request.

Sincerely,

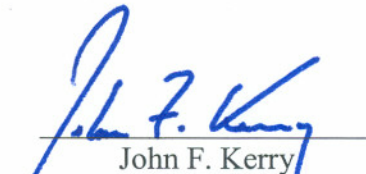

Edward M. Kennedy


Barney Frank

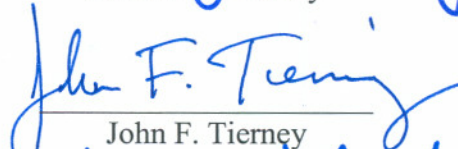

James P. McGovern

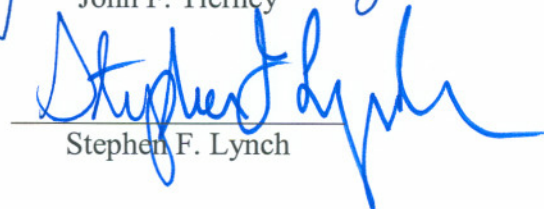

Michael E. Capuano


Niki Tsongas


John F. Kerry


Edward J. Markey


John F. Tierney


Stephen F. Lynch

Cc: Dr. William T. Hogarth, NOAA
Administrator